



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 8, 1994

Mr. Bryan M. Perot
Executive Officer
Polygraph Examiners Board
P.O. Box 4087
Austin, Texas 78773-0001

OR94-331

Dear Mr. Perot:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 22842.

The Polygraph Examiners Board (the "board") received an open records request for records regarding two polygraph examiners. You indicate that the board released copies of the examiners' licensing records excluding the home address, home telephone number and photograph of one of the examiners because he is also a Houston police officer. You claim this information is excepted from disclosure under sections 552.117 and 552.119 of the Government Code.

Section 552.117 provides in pertinent part that information is excepted from disclosure when it relates to:

(1) the home address or home telephone of:

....

(B) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code.

You state that the information at issue pertains to a polygraph examiner who is also a police officer. You must therefore withhold the home telephone and address of this examiner/police officer pursuant to section 552.117.

As to the photograph, section 552.119(a) provides that a photograph of a peace officer is excepted from disclosure under the act, unless:

- (1) the officer is under indictment or charged with an offense by information;
- (2) the officer is a party in a fire or police civil service hearing or a case in arbitration; or
- (3) the photograph is introduced as evidence in a judicial proceeding.

However, under section 552.119(b), a police officer may consent to disclosure of his or her photograph. *See* Open Records Decision No. 502 (1988). You do not indicate any facts which would require release of the police officer's photograph; therefore, it must be withheld under section 552.119.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/JCH/SLG/rho

Ref.: ID# 22842

cc: Ms. Jill Lederer
Cox & Smith
Walnut Glen Tower
8144 Walnut Hill Lane, Suite 500, LB 38
Dallas, Texas 75231

Ms. Karen Pettigrew
Assistant Attorney General
P.O. Box 12548
Austin, Texas 78711-2548